

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated July 22, 2009 has been received and its contents carefully reviewed.

Claim 11 is hereby amended. No new matter has been added. Accordingly, claims 1-15 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

The Office Action objects to claims 11 and 15 under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have amended claim 11 to correct a typographic error. Specifically, a comma ( , ) is missing after “-W1-A-.” Claim 11 now recites, “a remaining group after the nucleophilic substitution being -W1-A-, W1 and A corresponding to the same definition as A of claim 1.” The remaining group is -W1-A-, not -W1-A-W1. Applicants, therefore, respectfully request withdrawal of the objection.

The Office Action rejects claims 11 and 15 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states “[t]here is no support in the original specification for a structure of the -W1-A-W1.” As discussed, Applicants have amend claim 11 to correct a typographic error. Claim 11 recites “-W1-A-”, not “-W1-A-W1.” Structure “-W1-A-” is fully supported by the Specification. Applicants, therefore, respectfully request withdrawal of the rejection of claims 11 and 15.

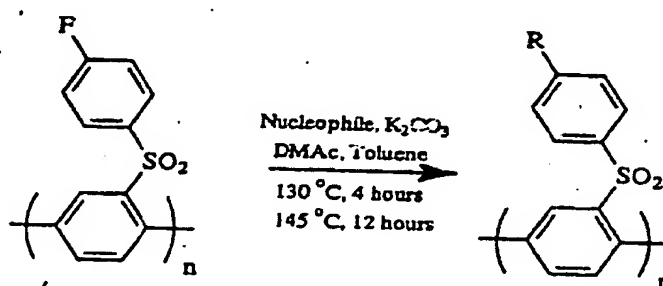
The Office Action rejects claims 11 and 15 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Office Action states “[t]he terminology ‘a remaining group’ is indefinite.” Applicants submit that the remaining group is “-W1-A-”, which is clearly defined in formula (I) of claim 1. Applicant, therefore, respectfully request withdrawal of the rejection of claims 11 and 15.

The Office Action rejects claims 1, 3, 4, 7, 8, 11, and 15 under 35 U.S.C. §103(a) as being unpatentable over Bloom et al. Polymer Preprints, ACS 40(2): 567-568 (*Bloom*) in view of

PCT Application Publication No. WO 01/70858 to Charnock et al. (*Charnock*). Applicants respectfully traverse the rejection.

To establish *prima facie* obviousness of a claimed invention, all the elements of the claim must be taught or suggested by the prior art. The combined teaching of *Bloom* and *Charnock* fails to teach or suggest all the elements of claims 1, 3, 4, 7, 8, 11, and 15, and thus cannot render these claims obvious.

Claim 1 recites, “a polymer, the skeleton of which consists of at least one phenylene repeating unit of formula (I) ...and ... at least one phenylene repeating unit of formula (II).” *Bloom* fails to teach or suggest at least this element of claim 1. *Bloom*, in scheme 1, discloses Ni(0) catalyzed synthesis of poly(paraphenylene). Scheme 1 is reproduced below.



Scheme 1 includes two formulae. One of them (formula on the left) is the starting material, and the other (formula on the right) is the product. The product (formula on the right) has only one phenylene repeating unit. Because the polymer of claim 1 consists of at least one phenylene repeating unit of formula (I) and at least phenylene repeating unit of formula (II), *Bloom* can not possibly teach or suggest the above-recited element of claim 1. Additionally, as admitted by the Office Action, “Bloom et al. does not teach the functional group as being one of claimed acids.” *Office Action*, page 5.

*Charnock* does not cure the deficiency of *Bloom*. *Charnock* is silent with respect to the above-recited element of claim 1. Specifically, *Charnock* discloses composite ion-exchange material including a first conductive polymer and a support material for the first conductive polymer, wherein the support material includes a second conductive polymer. *Charnock* provides examples for the first conductive polymer and second conductive polymer. These two

conductive polymers are in fact a mixture of copolymers, while the polymer of claim 1 includes a skeleton consisting of coexisting repeating units of Formula (I) and Formula (II). Accordingly, the two conductive polymers have different structures from the polymer of claim 1, and thus cannot render the polymer of claim 1 obvious.

The Office Action alleges that *Charnock* teaches a sulfonated, phosphorylated, or carboxylated poly-1,4-phenoxybenzocylphylene and *Bloom* and *Charnock* “are combinable as they are concerned with the same field of endeavor, namely phenylene polymers.” *Office Action*, page 5. Applicants respectfully disagree. “Phenylene polymers” is a very broad subject, and the fact that *Bloom* and *Charnock* both disclose phenylene polymers does not put them in the same field of endeavor. The polymers of *Bloom* and the polymers of *Charnock* are synthesized and used for completely different purposes. *Bloom* relates to the synthesis of poly(paraphenylene) via Ni(0) catalyzed coupling as high performance materials (excellent high temperature stability), and *Charnock* relates to a composite ion-exchange material. Stated simply, the polymers disclosed in *Bloom* and the polymers disclosed in *Charnock* serve completely different purposes and solve completely different problems.

Furthermore, claim 1 recites, “at least one of the groups R<sub>4</sub>, R<sub>5</sub>, R<sub>6</sub>, R<sub>7</sub> and R<sub>8</sub> represents a group chosen from -SO<sub>3</sub>H, -PO<sub>3</sub>H<sub>2</sub> and -CO<sub>2</sub>H groups, perfluoroalkyl groups, perfluoroalkylaryl groups optionally comprising in their chain one or more oxygen, nitrogen and/or sulfur atoms, perfluoroaryl groups and -O-perfluoroaryl groups, these perfluoro groups bearing a group chosen from -SO<sub>3</sub>H, -PO<sub>3</sub>H<sub>2</sub> and -CO<sub>2</sub>H.” While formulae 1 and 2 of claim 1 include multiple aromatic rings, groups R<sub>4</sub>, R<sub>5</sub>, R<sub>6</sub>, R<sub>7</sub> and R<sub>8</sub> are all located on one phenyl group in formula 1. *Charnock* only discloses that “to provide said ion exchange sites, said polymer is sulphonated, phosphorylated, carboxylated, quaternary-aminoalkylated or choromethylated, and optionally further modified.” *Charnock*, page 5, lines 5-8. *Charnock*, however, does not teach or suggest where in the polymer the acid groups be located. Without this information, it is impossible for one of ordinary skill in the art to combine *Bloom* and *Charnock* to arrive at the polymer of claim 1, as suggested by the Office Action.

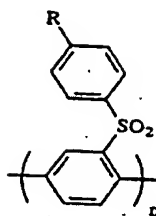
Accordingly, claim 1 is allowable over the combined teaching of *Bloom* and *Charnock*. Claims 3, 4, 7, 8, 11, and 15 variously depend from claim 1, and are also allowable for at least

the same reasons as claim 1. Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 1, 3, 4, 7, 8, 11, and 15.

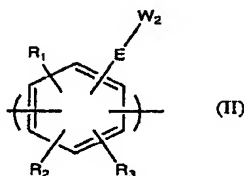
The Office Action rejects claims 1-5, 7, 8, and 12-14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0172850 to Asano et al. (*Asano*) in view of Bloom et al. *Macromolecules*, 2001, 34, 1627-1633 (*Bloom II*) as evidenced by PCT Application Publication WO 01/42336 to Cui et al. (*Cui*) and *Bloom*. Applicants respectfully traverse the rejection.

Claim 1 recites, “a polymer, the skeleton of which consists of at least one phenylene repeating unit of formula (I) ...and ... at least one phenylene repeating unit of formula (II).” *Asano* fails to teach or suggest at least this element of claim 1. In fact, the Office admits that “*Asano* et al. does not teach a repeat unit of formula II.” *Office Action*, page 6. Moreover, *Asano* discloses “to establish a means of alleviating the rigidity of this linear molecular structure ... this can be achieved by using a polymer electrolyte formed from a sulfonated polyarylene polymer in combination with another polymer electrolyte” and the “another polymer electrolyte” is also a sulfonated polymer. *Asano*, ¶¶0023, 0024, 0042, 0060. In claim 1, only groups R<sub>4</sub>, R<sub>5</sub>, R<sub>6</sub>, R<sub>7</sub> and R<sub>8</sub>, in Formula I can be a -SO<sub>3</sub>H group, and no group in Formula II can be a -SO<sub>3</sub>H group. Because *Asano* teaches the combination of two sulfonated polymers, *Asano* in fact teaches away from the polymer of claim 1, which comprises a repeating unit of Formula I that may include a -SO<sub>3</sub>H group and a repeating unit of Formula II that does not include a -SO<sub>3</sub>H group. In addition, *Asano* provides examples of two different copolymers to constitute a composite material for membrane, while the polymer of claim 1 can be directly formed in thin films to constitute membranes.

*Bloom* and *Bloom II* are two similar papers published by the same authors, and they do not cure the deficiency of *Asano*. *Bloom* and *Bloom II* discloses the synthesis of poly(paraphenylene) via Ni(0) catalyzed coupling. Specifically, *Bloom* and *Bloom II* disclose the



synthesis of the polymer with the following structure: , wherein R is SMe, NRR', or O-Aryl. In other words, the substituent on the -SO<sub>2</sub>- is -phenylene-S-Me, -phenylene-NRR'



or -phenylene-O-Aryl. Claim 1 recites Formula II , wherein the group E represents a single bond or a group chosen from -(C=O)-, -P(=O)- and -SO<sub>2</sub>-; the group W<sub>2</sub> represents an aryl group substituted with at least one substituent chosen from F, -O-SO<sub>2</sub>-Aryl, -S(=O)-Aryl or represents a perfluoroaryl group. Note that group W<sub>2</sub> in Formula II can not be -phenylene-S-Me, -Phenylene-NRR', or -Phenylene-O-Aryl. Therefore, the polymer structure disclosed in *Bloom* and *Bloom II* cannot render Formula II of claim 1 obvious.

Furthermore, the polymers of *Bloom* and *Bloom II* and the polymers of *Asano* are synthesized and used for completely different purposes. *Bloom* and *Bloom II* relate to the synthesis of poly(paraphenylene) via Ni(0) catalyzed coupling as high performance materials (excellent high temperature stability), and *Asano* relates to "providing a cheap composite polymer electrolyte membrane which permits of excellent adhesion to the electrodes when employed in solid polymer electrolyte fuel cell, and a solid polymer electrolyte fuel cell which utilizes the composite polymer electrolyte membrane." *Asano*, ¶0018. The polymers disclosed in *Bloom* and *Bloom II* and the polymers disclosed in *Asano* serve completely different purposes and solve completely different problems.

*Cui* does not cure the deficiency of *Asano*, *Bloom*, and *Bloom II*. The Office Action only cites *Cui* for disclosing "use of sulfonating agents as in *Asano* et al. can result in long reaction times and polymer degradation." *Office Action*, page 7. *Cui* is also silent with respect to the above-recited elements of claim 1.

Accordingly, claim 1 is allowable over the combined teaching of *Asano*, *Bloom*, *Bloom II*, and *Cui*. Claims 2-5, 7, 8, and 12-14 variously depend from claim 1, and are also allowable for at least the reasons as claim 1. Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-5, 7, 8, and 12-14.

The Office Action rejects claims 6, 9, and 10 under 35 U.S.C. §103(a) as being unpatentable over *Asano* in view of *Bloom II* as evidenced by *Cui*, *Bloom*, and U.S. Patent No. 6,025,092 to Doyle et al. (*Doyle*). Applicants respectfully traverse the rejection.

Claims 6, 9, and 10 variously depend from claim 1, and incorporate all the elements of claim 1. As discussed, the combined teaching of *Asano*, *Bloom*, *Bloom II*, and *Cui* fails to teach or suggest at least the above-recited elements of claim 1, namely, “a polymer, the skeleton of which consists of at least one phenylene repeating unit of formula (I) ...and ... at least one phenylene repeating unit of formula (II).” *Doyle* does not cure the deficiency of *Asano*, *Bloom*, *Bloom II*, and *Cui*. The Office Action only cites *Doyle* for disclosing a pendant group in an ion exchange membrane. Office Action, pages 7-8. *Doyle* is also silent with respect to the above-recited elements of claim 1. Accordingly, claim 1 and its dependent claims 6, 9, and 10 are allowable over the combined teaching of *Asano*, *Bloom*, *Bloom II*, *Cui*, and *Doyle*. Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 6, 9, and 10.

The application is in condition for allowance. Early and favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the

filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: January 11, 2010

Respectfully submitted,

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